UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/47/599/Add.1
4 November 1992
ENGLISH
ORIGINAL: ENGLISH/FRENCH/
SPANISH

Forty-seventh session
Agenda item 22

THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Report of the Secretary-General

Addendum

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I. INTRODUCTION

1. In paragraph 4 of its resolution 46/7, of 11 October 1991, on the situation of democracy and human rights in Haiti, the General Assembly appealed to the States Members of the United Nations to take measures in support of the resolutions of the Organization of American States referred to in paragraph 3, namely, resolutions MRE/RES.1/91 and MRE/RES.2/91.

2. The contents of resolutions MRE/RES.1/91 and MRE/RES.2/91 were briefly described in paragraphs 5 and 9 of the report of the Secretary-General (A/47/599).

3. On 8 September 1992, a note verbale was sent to all Member States requesting them to inform the Secretary-General of the measures they had taken in response to the General Assembly's appeal, so as to enable him to prepare his report.

4. The replies received from Member States appear in this addendum.

II. REPLIES RECEIVED FROM MEMBER STATES

BRAZIL

[Original: English]

[18 September 1992]

1. The coup d'état against the constitutional President Jean-Bertrand Aristide, on 29 September 1991, received immediate and strong condemnation by the Brazilian Government, which has, since then, reiterated its calls for the restoration of democratic rule in Haiti. In this connection, the Brazilian Government has supported the convening of the Permanent Council of the Organization of American States (OAS) to examine the situation in that country in the context of the respect for the principles of human rights and democratic government enshrined in the Charter of the Organization of American States.

2. Since OAS began in 1991 to consider initiatives aiming at restoring the legitimate Government of President Jean-Bertrand Aristide, the Brazilian Government has adopted the following measures in order to comply with the decisions taken during the ad hoc meetings of the Ministers of External Relations of that regional organization:

(a) Condemnation of the grave events that have taken place in Haiti;

(b) Diplomatic isolation of the de facto government. The Ambassador of Brazil was recalled to Brazil and replaced by a Chargé d'affaires;

(c) Suspension of all forms of cooperation, with the exception of humanitarian assistance;

(d) Suspension of military assistance;

(e) Freezing of financial assets of the State of Haiti;

(f) Support for the establishment by OAS of a civilian mission to support the restoration of democracy (OEA-DEMOC).

3. A Presidential Decree signed on 22 June 1992 and published on 24 June 1992 in the Official Gazette (Diário Oficial) has given legal effect to the measures adopted. The decree determines that - the Brazilian authorities are obliged to comply, within their respective competences, with the provisions of resolutions MRE/RES.1/91, MRE/RES.2/91 and MRE/RES.3/92 adopted by the ad hoc meetings of the Ministers of External Relations of OAS, which took place on 3 and 8 October 1991 and 17 May 1992 respectively.

CANADA

[Original: English]

[1 October 1992]

1. Canada has taken the following steps to implement the OAS resolutions calling for commercial, economic and trade sanctions against Haiti.

Bilateral assistance

2. Canada has suspended bilateral assistance programmes which provided official development assistance to Haiti.

3. We instructed Canadian representatives at international financial institutions not to support new loans or credit proposals or to provide technical advice or assistance to the de facto Haitian Government.

4. Humanitarian assistance for the very poor, channelled through non-governmental organizations, has continued.

Trade ban

5. Goods of Haitian origin or goods exported from Haiti require an import permit to enter Canada; such permits are not generally issued.

6. Similarly, all goods and technology from Canada to Haiti require an export permit; except for certain foodstuffs and medical supplies for humanitarian purposes, such permits are not generally issued.

Trade promotion restrictions

7. All support normally extended by the Canadian Government to exporters, including trade finance, are unavailable for any proposed transactions with Haiti.

Financial controls

8. All Haitian government assets in Canada are frozen.

9. The same regulations have the effect of prohibiting any financial transfers or payments to Haiti.

Visa restrictions

10. No visitor visas are approved for members of the de facto regime or its prominent supporters.

11. The normal visitor visa programme is suspended; visas are only issued for humanitarian reasons or in the national interest.

Port, shipping and air travel controls

12. Air carriers belonging to Haitian interests are prohibited from operating to Canada.

13. Regulations effectively prohibit any movement to or from Haiti by Canadian ships, or the passage of foreign ships through Canadian ports when engaged in trade with Haiti. Exceptions are made for humanitarian aid shipments.

EL SALVADOR

[Original: Spanish]

[2 October 1992]

1. The Government of El Salvador has extended its full support to the resolutions adopted by the Ministers for Foreign Affairs of the States members of OAS condemning the breakdown of the democratic system in Haiti and recommending that the de facto regime resulting from the coup d'état of 30 September 1991 be isolated. Full compliance with those resolutions also entails observance of the trade embargo imposed on Haiti; the denial of port facilities to any vessel failing to respect the embargo; measures to ensure that air transport is not used for goods traffic; denial of entry visas to perpetrators or supporters of the coup d'état, or withdrawal of their visas, as applicable; and the freezing of Haitian assets.

2. To ensure such compliance, the Ministry of Foreign Affairs has circulated the relevant communiqué to the Ministers of the Presidency, Economic Affairs, the Interior, Defence and Agriculture and to the Presidents of the Central Reserve Bank and the Autonomous Ports Commission.

FRANCE

[Original: French]

[7 October 1992]

1. Since the coup d'état staged against President Aristide, France has suspended its bilateral cooperation with Haiti. That cooperation, which represented financial commitments of about 220 million French francs for the period June 1991/June 1993, was broken off with immediate effect, with the exception of some humanitarian aid, maintained at the request of the legitimate authorities. The hundred or so cooperation personnel in Haiti have been recalled.

2. At the same time, Haitian government assets in France were frozen by decree.

3. France also applies a highly restrictive policy with regard to the granting of visas to Haitian citizens sympathizing with the de facto regime.

JAPAN

[Original: English]

[30 September 1992]

1. On 1 October 1991, the spokesman for the Minister for Foreign Affairs issued a statement condemning the coup d'état; this was followed by a statement to the same effect made by the Chief Cabinet Secretary on 3 October 1991. On 2 October 1991, the representative of Japan expressed regret at the situation before the extraordinary ministerial meeting of the Organization of American States.

2. On 11 October 1991, the spokesman for the Minister for Foreign Affairs condemned those who carried out the coup d'état and their subsequent actions, such as the de facto assumption of power and the nomination of an interim President. He also expressed Japan's support for the efforts undertaken by OAS to resolve the situation.

3. On 2 October 1991, the Government of Japan decided to suspend its economic cooperation for Haiti, since the situation there did not satisfy the policy guidelines according to which Japan extends such cooperation.

4. On 11 November 1991, the Government of Japan advised that private enterprises should not undermine the economic sanctions imposed by OAS.

5. Japan joined in co-sponsoring the draft resolution entitled "Human rights in Haiti" which was adopted by the General Assembly on 17 December 1991 (resolution 46/138).

MEXICO

[Original: Spanish]

[7 October 1992]

The Government of Mexico has supported the resolutions of the Organization of American States on the situation in Haiti. Furthermore, in view of the fact that trade between Mexico and Haiti is virtually non-existent, there has been no need to draw up provisions concerning the suspension of its dealings with the de facto Government in Haiti. The Government of Mexico thus confirms that it complies strictly with the provisions laid down in the relevant General Assembly resolution.

NETHERLANDS

[Original: English]

[5 October 1992]

1. The Government of the Netherlands immediately after the military coup d'état suspended its plans for a bilateral development cooperation programme with Haiti.

2. It has been pointed out to trade and industry in the Netherlands what the consequences would be of continuation of commercial relations with Haiti vis-à-vis their interests in the member States of OAS.

3. On 6 August 1992, the Government of the Netherlands Antilles declared an embargo on the import and export of oil products and military equipment.

4. Within the framework of the European Community the economic cooperation programme between the European Commission and Haiti was suspended immediately after the coup d'état.

SPAIN

[Original: Spanish]

[14 October 1992]

1. The Spanish Government issued a statement condemning the coup d'état on 1 October 1991.

2. Since that time, the post of Spanish Ambassador in Port-au-Prince has not be filled.

3. On 31 October 1991, the President of the Republic of Haiti, His Excellency the Reverend Father Jean-Bertrand Aristide, visited Spain and had a meeting with the Prime Minister.

4. A restrictive policy with regard to visas has been applied to leaders of the de facto regime.

5. The European Community and its member States, with the full support of the Spanish Government, have issued statements condemning the coup d'état (3 October 1991), welcoming the agreement reached on 23 November between President Aristide and the parliamentary negotiating commission (26 November 1991), condemning the Haitian Parliament for not ratifying that agreement, and calling for the results of Haiti's last democratic elections to be honoured (7 April 1992).

6. In addition, on 3 October 1991 the European Community and its member States announced the suspension of cooperation with Haiti, with the exception of humanitarian and emergency assistance, and decided to impose a trade embargo on the country on 2 November 1991.

UNITED STATES OF AMERICA

[Original: English]

[16 October 1992]

1. In support of the effort by the Organization of American States to restore constitutional democracy in Haiti, the United States of America adopted a wide variety of measures blocking or otherwise limiting economic transactions between the United States and its citizens and the Republic of Haiti and its citizens. These measures are pursuant to the actions recommended in resolutions MRE/RES.1/91 and 2/91 adopted by OAS Foreign Ministers on 3 and 8 October 1991. On 5 June 1992, the United States strengthened the embargo by denying entry into any United States ports to ships of any nations which violated the embargo. We also increased humanitarian aid to $70 million in the fiscal year, which will feed 600,000 persons a day in Haiti and provide medical attention to over 2 million

persons. Regulations implementing the United States embargo provide for licensing exceptions to the embargo. In an effort to target the embargo towards those who supported the interruption on 30 September 1991 of constitutional government in Haiti, and to minimize the impact of the embargo on the Haitian poor, the United States continues to examine specific adjustments in the implementation of this embargo.

2. The United States embargo, imposed by Executive Orders 12775 (4 October 1991) and 12779 (28 October 1991), implemented by the Haitian Transactions Regulations published on 31 March 1992 in the Federal Register, consists of:

(a) The freezing of all property and interests in property of the Government of Haiti, its agencies, instrumentalities and controlled entities, including the Banque de la République d'Haïti. This includes overseas branches;

(b) The prohibition of any direct or indirect payments or transfers to the de facto regime in Haiti of any funds, or of other financial or investment assets or credits, by any United States person, or by any Haitian business owned or controlled by a United States person. This prohibition covers all taxes;

(c) The requirement that United States persons deposit all transfers or payments owed to the Government of Haiti when due (such as taxes) into an account at the Federal Reserve Bank of New York, or as otherwise may be directed by the Secretary of the Treasury, to be held for the benefit of the Haitian people;

(d) The prohibition of the importation into the United States of any goods of Haitian origin, other than publications and other informational materials, or of services performed in Haiti;

(e) The prohibition of the exportation from the United States to Haiti, directly or indirectly, of any goods, technology (including technical data or other information controlled for export), or services other than publications and other informational materials; donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies; and rice, beans, sugar, wheat flour, and cooking oil.

3. In addition, on 1 October 1991 the United States announced the suspension of economic assistance ($66 million) and non-lethal military aid ($2.2 million). On 3 October 1991, the United States announced the denial of export licences for commercial arms purchases and exports to the military and police.

4. On 17 May 1992, the Ad Hoc Meeting of Foreign Ministers was reconvened at Nassau, and adopted MRE/RES.3/92, in which the two previous resolutions were reaffirmed and member Governments were called upon to take further steps. In response to that call, on 5 June 1992, the United States amended its Haitian

Transactions Regulations to prohibit entry into any United States port, unless otherwise authorized, of any vessel that called on Haiti since the latter of 5 June 1992 or the vessel's last call into the United States (the reference date), unless it demonstrates to the satisfaction of the United States Treasury Department that any calls on Haiti since the reference date have been transactions that fall into one of the following three categories:

(a) Shipments exempted or excepted from the prohibition if engaged in by a United States person;

(b) Shipments specifically licensed by the United States or another member Government of OAS, pursuant to OAS resolution MRE/RES.3/92;

(c) Shipments made under a contract of voyage that was fully completed prior to the vessel's currently proposed entry into the United States.

5. This effort to strengthen the embargo has had immediate effects: since June 1992, the United States Customs Service has confiscated three vessels and fined several others for violating the embargo.

6. The United States embargo is imposed under the authorities contained in the International Economic Emergency Powers Act, which requires a presidential determination of a national emergency (valid for a one-year period). That determination was renewed on 1 October 1992 for a second one-year period.